

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF MASSACHUSETTS

2007 Oct 15 P 2:30

UNITED STATES OF AMERICA,	:	
Plaintiff-Respondent,	:	
	:	
v.	:	Criminal No.: <u>04CR 30046-003</u>
	:	<u>(MAP).</u>
ANTHONY MATOS,	:	Civil No.: _____
Defendant-Petitioner.	:	
	:	

PETITIONER'S MOTION FOR AN EXTENSION
OF TIME TO FILE THE PETITION UNDER 28 U.S.C. SECTION 2255

The Petitioner, Anthony Matos, appearing in pro se, and respectfully moves the Honorable Court, pursuant to Federal Rule of Civil P.3, 'Commencement of Action,' under the Rules governing section 2255, and respectfully request an extension of 45 days to file the petition in this court. In support thereof avers:

(a) The Petitioner was convicted on or around October 16, 2006, in this court, stemming from a guilty plea to counts 12s, 52s, 65s, and 69s, for conduct in violation of Title 18 U.S.C. Sections 1343, wire fraud and Section 2 aiding and abetting and similarly in violation of Title 18 U.S.C. Section 1956, conspiracy to Launder Money; and

(b) The Petitioner's initial petition.. "was will be due on or around October 16, 2007; and "

(c) Principles of equitable tolling avoid these difficulties, since equitable tolling obviates the 1 year statutory limitation nee-

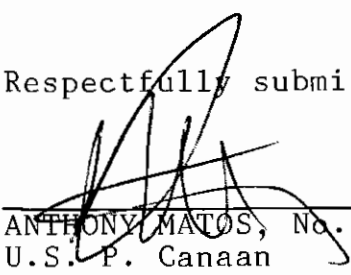
ded(immediate)'filing.' Moreover, it permits the criminal petitioner to 'winnow the constitutional wheat from chaff, for good cause and excusable neglect, comparable to the equitable tolling principles in place.' See Allen v. McCurry, 449 U.S. 90, 95-96, 101 S. Ct. 411, 66 L. Ed. 2d 308(1980); See also Walker v. Armco Steel Co., 446 U.S. 740 (1980). Accordingly, the period sought for adequate and effective preparation is imminent upon a judicious consideration in part of the court found to be fair and cognitive for substantial justice.

WHEREFORE, the Petitioner Anthony Matos, respectfully prays the Court grants the Motion for an extension of time and toll the [S]tatutory principles articulated in Title '28 U.S.C. Section 2255. '

Submitted under penalty of perjury to be true and correct. 28
U.S.C. Section 1746

Dated 10/9, 2007.

Respectfully submitted,



ANTHONY MATOS, No. 90827-038
U.S. P. Canaan
P.O. Box 300
Waymart, PA 18472

CERTIFICATE OF SERVICE

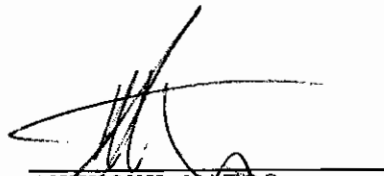
This certifies that I have this 9th day of October, 2007,
placed a true and exact copy of the:

PETITIONER'S MOTION FOR AN EXTENSION
OF TIME TO FILE THE PETITION UNDER 28 U.S.C. SECTION 2255

in the U.S. Mail. certified mail and return receipt, addressed to:

DIANE FRENIERE
Assistant U.S. Attorney
Chief,
White Collar Crime Section
U.S. Attorney's Office
District of Massachussetts
1550 Main Street, Suite 310
Springfield, Massachussetts 01103

Submitted pursuant to 28 U.S.C. Section 1746.



ANTHONY MATOS
No. 90827-038
U.S.P. Canaan
P.O. Box 300
Waymart, PA 18472